



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Ashby et al
SERIAL NO.: 09/960,389
FILING DATE: 9/24/01
TITLE: DEVICE AND METHOD FOR FACILITATING HEMOSTASIS
OF A BIOPSY TRACT
EXAMINER: Baxter, Jessica R
ART UNIT: 3731

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class
Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,
on the date printed below:

Date: May 17, 2004

Name: Ruth Rodriguez

Ruth Rodriguez

COMMISSIONER FOR PATENTS
P.O. Box 1450, ALEXANDRIA, VA 22313-1450

RECEIVED
MAY 21 2004
TECHNOLOGY CENTER R3700

INFORMATION DISCLOSURE STATEMENT

Each item of information listed in the attached FORM PTO-1449, for which a copy of each is attached (unless the blanket waiver referred to below applies), may be material to the examination of the above-identified application and is, therefore, submitted in compliance with the duty of disclosure defined in 37 CFR §§ 1.56, 1.97 and 1.98. The Examiner is requested to review, consider and document each such item in the official record of this application.

Note: If this box ☐ is checked, this case was filed after June 30, 2003 and qualifies for the blanket waiver of deposit of copies of U.S. Patents and U.S. Patent Application

Publications in accordance with the written waiver of 37 CFR §1.98 (a)(2)(i) dated July 11, 2003. Accordingly, such copies are not attached.

This Information Disclosure Statement under 37 CFR §§ 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

I

This statement is filed pursuant to **(CHECK ONE BOX)**:



37 C.F.R. § 1.97(b).

This information disclosure statement is filed either:

- (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application;
- (3) before the mailing date of a first office action on the merits; or
- (4) before the mailing of a first office action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114, **whichever event occurs last.**

Accordingly, this information disclosure statement requires no fee and no certification.



37 C.F.R. § 1.97(c).

This information disclosure statement is filed **after** the period specified in 37 C.F.R. § 1.97(b), but **before** the mailing date of any of the following:

- (1) a final action under 37 C.F.R. § 1.113;
- (2) a notice of allowance under 37 C.F.R. § 1.311; or
- (3) an action that otherwise closes prosecution in the application.

Accordingly, this information disclosure statement requires either:

- (1) the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c); or
- (2) a certification according to 37 C.F.R. § 1.97 (e)(1) or (2).



37 C.F.R. § 1.97(d).

This information disclosure statement is filed **after** the period specified in 37 C.F.R. § 1.97 (c).

Accordingly, this information disclosure statement requires:

- (1) a certification in accordance with 37 C.F.R. § 1.97(e); and
- (2) the fee specified in 37 C.F.R. § 1.17 (p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d).

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. **To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.**

II

Fees Due (**CHECK ONE BOX**):

☒

No fee is due.

☐

The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) or 37 C.F.R. § 1.97(d) is enclosed (**\$180**).

III

Certification (**CHECK ONE BOX**):

☒

No certification is necessary.

☐

Pursuant to 37 C.F.R. § 1.97(e)(1), the undersigned hereby certifies:
That each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

☐

Pursuant to 37 C.F.R. § 1.97(e)(2), the undersigned hereby certifies:
No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this information disclosure statement.

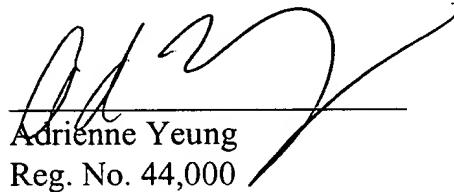
IV

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

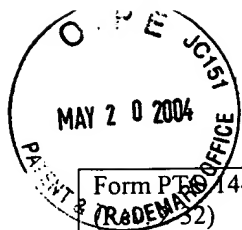
Please charge any additional required fee or credit any overpayment to our deposit account number 50-1698.

Respectfully submitted,
THELEN REID & PRIEST LLP

Dated: May 7, 2004


Adrienne Yeung
Reg. No. 44,000

THELEN REID & PRIEST LLP
P.O. Box 640640
San Jose, CA 95164-0640
(408) 292-5800 direct dial
(408) 287-8040 direct fax



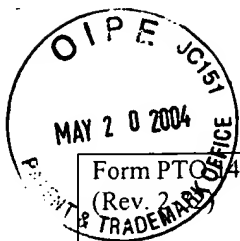
SUB-Q 1449 US

Form PT 1449 (7/8/00)				U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No. 034298-120		Serial No. 09/960,389	
Information Disclosure Statement by Applicant						Applicant: Ashby et al			
(Use several sheets if necessary)						Filed: 9/24/01		Group: 3731	
U.S. Patent Documents									
Init.		Document No.	Date	Name	Class	Subclass	Date		
	A	2,370,319		J.G. Lippincott			2/45		
	C	2,597,011		MacMasters et al.			5/1952		
	D	2,680,442		Linzmayr			6/1954		
	E	2,761,446		Reed			9/1956		
	F	2,814,294		Figge			11/1957		
	G	2,824,092		Thompson			2/1959		
	H	2,874,776		H.E. Hooe			2/59		
	I	3,358,689		John L. Higgins			12/19/67		
	J	3,411,505		P.D. Nobis			11/19/68		
	K	3,736,939		Glenn N. Taylor			6/5/73		
	L	4,098,728		Solomon Rosenblatt			7/4/78		
	M	4,211,323		Olsen			7/80		
	N	4,218,155		Weidner			8/80		
	O	4,219,026		Terry No. Layton			8/26/80		
	P	4,224,945		Jonathan Cohen			9/30/80		
	Q	4,238,480		Sawyer			12/88		
	R	4,292,972		Pawelchak			10/91		
	S	4,404,970		Sawyer			9/83		
	T	4,405,314		Constantin Copi			9/20/83		
	U	4,515,637		Cioca			5/85		
	V	4,573,576		Thomas C. Krol			3/83		
	W	4,587,969		Gillis			5/86		
	X	4,588,395		Lemelson			5/86		
	Y	4,619,261		Guerriero			10/86		
	Z	4,619,913		Luck, et al.			10/86		
	A1	4,699,616		George M. Norwak			10/13/87		
	B1	4,852,568		Kensey			8/89		
	C1	4,890,612		Kensey			1/90		
	D1	4,900,303		Lemelson			2/90		
	E1	4,929,246		Sinofaky			5/90		
	F1	4,936,835		Haaga			6/90		
	G1	4,950,234		Fujioka et al.			8/90		
Examiner						Date Considered			
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.									

RECEIVED

MAY 21 2004

TECHNOLOGY CENTER R3700



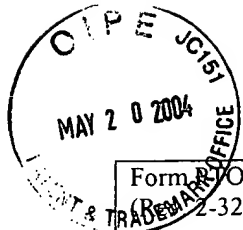
Form PTO 449 (Rev. 2-98) U.S. Department of Commerce Patent and Trademark Office				Atty. Docket No. 034298-120		Serial No. 09/960,389	
Information Disclosure Statement by Applicant				Applicant: Ashby et al			
(Use several sheets if necessary)				Filed: 9/24/01		Group: 3731	
U.S. Patent Documents							
Init.		Document No.	Date	Name	Class	Subclass	Date
	H1	4,573,573		Thomas C. Krol			3/86
	I1	4,644,649		Seaman et al			2/87
	J1	4,832,688		Sagae, et al			5/23/89
	K1	4,836,204		Landymore et al			6/89
	L1	4,839,204		Yoshino			6/13/89
	M1	4,869,143		Merrick			9/89
	N1	5,007,895		Burnett			4/91
	O1	5,021,059		Kensey et al.			6/91
	P1	5,053,046		Janese			10/91
	Q1	5,061,274		Kensey			10/91
	R1	5,080,655		Haaga			1/92
	S1	5,108,421		Fowler			4/92
	T1	5,163,904		Lampropoulous, et al.			11/92
	U1	5,167,624		Butler, et al.			12/92
	V1	5,192,300		Fowler			3/93
	W1	5,192,301		Kamiya, et al.			3/93
	X1	5,195,988		Haaga			3/93
	Y1	5,220,926		Jones			6/93
	Z1	5,221,259		Weldon, et al.			6/93
	A2	5,275,616		Fowler			1/94
	B2	5,310,407		Casale			5/94
	C2	5,322,515		Karas, et al.			6/94
	D2	5,325,857		Nabai, et al.			7/94
	E2	5,334,216		Vidal, et a.			8/94
	F2	5,366,480		Corriveau, et al.			11/94
	G2	5,370,656		Shevel			12/94
	H2	5,383,896		Gershony, et al.			1/95
	I2	5,383,899		Hammerslag			1/95
	J2	5,385,550		Su, et al.			1/95
	K2	5,399,361		Song, et al			3/95
	L2	5,417,699		Klein			5/95
	M2	5,462,194		Keith Barawell			10/95
Examiner					Date Considered		
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.							

RECEIVED

MAY 21 2004

TECHNOLOGY CENTER R3700

Form PTO 1449 (Rev. 2-3-93)		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No. 034298-120		Serial No. 09/960,389	
Information Disclosure Statement by Applicant (Use several sheets if necessary)				Applicant: Ashby et al			
				Filed: 9/24/01		Group: 3731	
U.S. Patent Documents							
Init.		Document No.	Date	Name	Class	Subclass	Date
	N2	5,049,138		Chevalier et al			9/17/91
	O2	5,129,889		John L. Hahn			7/14/92
	P2	5,192,290		Said Hilal			3/9/93
	Q2	5,219,899		Panster et al			6/15/93
	R0	5,232,453		Plass et al			8/3/93
	S0	5,254,105		John Haaga			10/19/93
	T0	5,282,827		Kensey et al.			2/94
	U2	5,320,639		James Rudnick			6/14/94
	V2	5,342,388		Sonia Toller			8/30/94
	W2	5,350,399		Erlebacher et al			9/27/94
	Z2	5,352,211		William Merskelly			10/4/94
	A3	5,443,481		Lee			8/95
	B3	5,447,502		John Haaga			9/5/95
	C3	5,458,570		James May, Jr			10/17/95
	D2	5,490,736		Haber			2/96
	E3	5,507,279		Fortune			4/96
	F3	5,522,840		Krajicek			6/96
	G3	5,527,332		Clement			6/96
	H3	5,542,914		Van Iten			8/96
	H3	5,545,175		Abidin et al			8/13/96
	I3	5,571,168		Connie Toro			11/5/96
	J3	5,601,601		Tal et al			2/11/97
	K3	5,601,603		Illi			02/11/97
	L3	5,620,461		Wouter M. Muijs Van De Moer			4/15/97
	M3	5,674,346		Nikhil K. Kundel			10/7/97
	N3	5,676,689		Kensey			10/97
	O3	5,707,393		Kensey et al			1/13/98
	P3	5,782,861		Cragg, et al.			07/21/98
	Q3	5,868,762		Cragg, et al.			02/09/99
	R3	5,984,950		Cragg, et al.			11/16/99
Examiner					Date Considered		

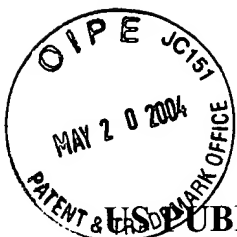


Form PTO 1449 (Rev. 12-32)				U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No. 034298-120		Serial No. 09/960,389	
Information Disclosure Statement by Applicant						Applicant: Ashby et al			
(Use several sheets if necessary)						Filed: 9/24/01		Group: 3731	
U.S. Patent Documents									
Init.		Document No.	Date	Name	Class	Subclass	Date		
	S3	5,931,165		Reich et al			8/3/99		
	T3	6,007,563		Nash, et al.			12/28/99		
	U3	6,033,427		Benjamin Lee			3/7/00		
	V3	6,056,768		Cates et al			5/2/00		
	W3	6,066,325		Wallace et al			5/23/00		
	X3	6,071,300		Brenneman, et al.			06/06/00		
	Y3	6,090,130		Nash et al			7/18/00		
	Z3	6,126,675		Shchervinsky et al			10/3/00		
	A4	6,162,192		Cragg et al.			12/00		
	B4	6,200,328		Cragg, et al.			03/13/01		
	C4	6,315,753		Cragg			11/01		
	D4	6,371,974		Brenneman et al			4/02		
	E3	6,440,151		Cragg et al			8/02		
	F3	6,440,153		Cragg et al			8/02		
	G3	6,477,534		Cragg et al			9/02		
	H4	6,503,222		Julian Lo			1/03		
	I3	6,527,734		Cragg et al			3/03		
	J4	6,540,735		Ashby et al			4/03		
	K4	6,544,236		Cragg et al			4/03		
	L3	6,610,026		Cragg et al			8/03		
	M3								
	N4								
	O4								
	P4								
	Q4								
	R4								
	S4								
	T4								
	U4								
Examiner.					Date Considered				
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.									

RECEIVED

MAY 21 2004

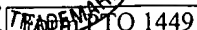
TECHNOLOGY CENTER R3700



US PUBLISHED APPLICATIONS

Form PTO 1449 (Rev. 2-32)				U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No. 034298-120		Serial No. 09/960,389	
Information Disclosure Statement by Applicant						Applicant: Ashby et al			
(Use several sheets if necessary)						Filed: 9/24/01		Group: 3731	
U.S. Patent Documents									
Init.		Document No.	Date	Name	Class	Subclass	Date		
	V4	US2002/0002889A1		Ashby et al			1/10/02		
	W4	US2002/0016612A1		Ashby et al			2/7/02		
	X4	US2002/0038133A1		Chi Sing et al			3/28/02		
	Y4	US2002/0042378		Reich et al			4/11/02		
	Z4	US2002/0062104A1		Ashby et al			5/23/02		
	A5	US2002/0156495A1		Brenneman et al			10/24/02		
	B5	US2003/0028140A1		Greff et al			2/6/03		
	C5	US2003/0088269A1		Mark Ashby			5/8/03		
	D5	US2003/0088271		Cragg et al			5/8/03		
	E5	US2003/0120258A1		Ashby et al			6/26/03		
	F5	US2003/0135237A1		Cragg et al			7/17/03		
	G5	US2004/0019328A1		Chi Sing et al			1/29/04		
	H5	US2004/0019330A1		Mark Ashby			1/29/04		
Examiner						Date Considered			
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.									

RECEIVED
MAY 21 2004
TECHNOLOGY CENTER R3700



Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.

u

